

AMENDED IN SENATE APRIL 27, 2005

AMENDED IN SENATE APRIL 13, 2005

AMENDED IN SENATE MARCH 29, 2005

**SENATE BILL**

**No. 306**

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**Introduced by Senator Campbell**  
(Coauthor: Assembly Member DeVore)

February 16, 2005

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An act to add Section 5003.19 to the Public Resources Code, relating to state property.

LEGISLATIVE COUNSEL'S DIGEST

SB 306, as amended, Campbell. Property transactions: Sunset Ridge Park.

Existing law authorizes the Department of Parks and Recreation to lease, for any use, all or any portion of any parcel of real property acquired for the state park system, if the director makes specified findings, and the rent is based on the fair market value of the property when used for the purpose for which it is leased. Existing law prohibits the term of a lease from exceeding a period of 10 years, unless the Legislature has reviewed and approved the proposed lease as part of the annual budget process, or the State Public Works Board has determined that the proposed lease could not have been presented to the Legislature for review and approval, as provided.

This bill would, notwithstanding those provisions, authorize the Department of Parks and Recreation to lease 20 acres of unimproved real property situated in the City of Newport Beach known as Sunset Ridge Park to the City of Newport Beach for a term of 25 years without monetary consideration for use of the property, for the development and operation of a local park with regional benefits, as

specified. The bill would require the State Public Works Board to review and approve the lease. *The bill would, with respect to the lease or an extension of the lease entered into pursuant to those provisions, require the city to comply with applicable storm water waste discharge requirements issued by the Santa Ana Regional Water Quality Control Board or the State Water Resources Control Board. The bill would prohibit the City of Newport Beach from using the lease to meet its funding match requirement when applying for specified grant funds to develop Sunset Ridge Park.*

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 5003.19 is added to the Public  
2 Resources Code, to read:  
3 5003.19. (a) The department may lease to the City of  
4 Newport Beach a parcel, not to exceed 20 acres of unimproved  
5 real property situated in the City of Newport Beach, known as  
6 Sunset Ridge Park.  
7 (b) Notwithstanding subdivisions (b) and (c) of Section  
8 5003.17, the term of the lease shall be for a period not to exceed  
9 25 years and shall be without monetary consideration for use of  
10 the property, except that the city shall fund the development and  
11 operation of the park. The terms of the lease shall specify the  
12 nature of the city's control of, and responsibility for the operation  
13 of, the parcel.  
14 (c) The purpose of the lease shall be for the development and  
15 operation by the city of a locally operated state park unit with  
16 regional benefits. These benefits shall include, but are not limited  
17 to, facilities for organized sports events as well as passive park  
18 features incorporating native plant species, trails, paths, and  
19 benches. The park shall be open to the public.  
20 (d) If the department determines that the city has failed to  
21 develop a local park with regional benefits within five years of  
22 execution of the lease, the state shall have the right to terminate  
23 the lease.  
24 (e) Notwithstanding subdivision (d) of Section 5003.17, the  
25 State Public Works Board shall review and approve the lease,

1 and shall report any action taken to the Legislature and the  
2 Governor.

3 (f) Upon one year's written notice from the city and upon the  
4 state's written consent as granted pursuant to the state's sole  
5 discretion, the lease may be extended for an additional 25 years  
6 commencing on the first calendar day after the date set for  
7 expiration of the lease. In exercising its discretion to extend the  
8 term of the lease, the state may modify, add, or delete terms and  
9 conditions of the lease, including a requirement for monetary  
10 consideration for use of the property, as the state may determine  
11 to be in the best interest of the state. Pursuant to subdivision (d)  
12 of Section 5003.17, the Legislature shall review and approve any  
13 extension of the lease.

14 (g) *The lease, and any extension of the lease, entered into*  
15 *pursuant to this section shall require the city to comply with*  
16 *applicable storm water waste discharge requirements prescribed*  
17 *by the Santa Ana Regional Water Quality Control Board or the*  
18 *State Water Resources Control Board.*

19 (h) *The City of Newport Beach shall not use the lease to meet*  
20 *its funding match requirement when applying for grant funds*  
21 *under the Roberti-Z'berg-Harris Urban Open-Space and*  
22 *Recreation Program Act (Chapter 3.2 (commencing with Section*  
23 *5620), or any other state grant funds, to develop Sunset Ridge*  
24 *Park.*